

Serial No. 10/516,085

Atty. Doc. No. 2002P04430WOUS

REMARKS

Claims 13-27 are pending in the present application. Applicants by amendment herein cancel claims 13-27 and adds new claims 28-47. Applicants respectfully request entry of claims 28-47 and allowance of these claims of the present application in view of these amendments in view of the remarks and arguments provided herein.

The Applicants acknowledge the results of the exhaustive search by the Examiner, and further acknowledges that the references cited indicate the relatively high level of skill in the art that provides the foundation for the advancements as claimed herein. Having stated this, it is appreciated that the references neither anticipate nor render obvious the new claims provided in this paper.

Claim Rejections under 35 USC 112

Claims 13-27 stand rejected under 35 USC 112, first paragraph, allegedly for failing to comply with the written description and the enablement requirements.

Applicant has cancelled claims 13-27 and has provided new claims 28-47 which are believed to satisfy these requirements. As such, it is believed that these claim rejections are moot or overcome, and their withdrawal is respectfully requested.

Claim Rejections under 35 USC 102

Claims 13-17, 20, and 25-27 stand rejected under 35 USC 102(b) as being allegedly anticipated by Draghi et al. (US 6,042,879).

Applicant has cancelled claims 13-27 and has provided new claims 28-47 which are believed to distinguish from the cited references, and be in condition for allowance. It is noted that Draghi et al. (US 6,042,879) does not teach all limitations of either of the new independent claims, 28 and 41. For example, not to be limiting as to all differences, it is clear from the description of the method of Draghi et al. that "... the auxiliary coating is only partially diffused into the existing coating so that both undiffused auxiliary coating and undiffused existing coating are present after the diffusion step is complete." (col. 5, lines 26-30, also see col. 5, lines 45-56, particularly the last sentence). No other teaching was found in Draghi et al. that was more expansive as far as diffusion into the existing coating.

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Further, it is noted that Draghi et al. does not teach what the Office action states it teaches in the following statement from page 4 of the Office action, "Draghi et al. then discloses reforming the MCrAlY coating on the component, this would involve diffusing aluminum directly into the component from the gas phase (column 6, lines 25-30)." First, it appears that the Office action meant to refer to column 5, lines 25-30, as column 6, lines 25-30 do not relate to this topic. Second, and more critically, the discussion including column 5, lines 25-30 teaches away from an approach in which an element of the diffusion agent diffuses from a gas phase. The relevant part of column 5, lines 23-30 are provided below:

As seen in FIG. 5, the thermal treatment also diffuses the coating tape into the exposed substrate 26 at the periphery of the passage, and preferably into the existing coating 28 as well, to form a diffusion zone 54. In the preferred embodiment, the auxiliary coating is only partially diffused into the existing coating so that both undiffused auxiliary coating and undiffused existing coating are present after the diffusion step is complete.

Thus, contrary to what is stated, the referenced section of Draghi et al. (and its likely intended section) do not teach "diffusing aluminum directly into the component from the gas phase." Arguably, the above-quoted passage teaches away from this by use of adhesive tape applied to the surface of the object. Accordingly, Applicants respectfully dispute that Draghi et al. anticipates the claims as previously presented and as now presented.

Reconsideration of the use of Draghi et al. for the presently provided new claims is respectfully requested based on the above arguments.

Claim Rejections under 35 USC 103

Claims 21-24 stand rejected under 35 USC 103(a) as being allegedly unpatentable over Draghi et al. in view of Jackson et al (US Patent No. 4,117,179). These dependent claims have been cancelled, and new dependent claims 35-37 and 44-46 analogously disclose specific application approaches. The following argument applies to these new as well as the rejected claims.

In view of the insufficiencies of Draghi et al. as a 35 USC 102(b) reference, based on the discussion in the above section, it is inappropriate to use Draghi et al. as the primary reference in the obviousness rejections of claims 21-24, nor of new dependent claims 35-37 and 44-46. This is because Draghi et al. does not teach the limitations of the claims as alleged, nor of the claims

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as amended herein. Accordingly, reconsideration and withdrawal as moot of the 35 USC 103(a) rejections of claims 21-24 are respectfully requested.

Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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